

RETURN DATE: MAY 26, 2020

: SUPERIOR COURT

**MARCIA ROBINSON, ADMINISTRATRIX
OF THE ESTATE OF MANUELA MARIA
MACEDO SILVEIRA**

: J.D. OF DANBURY

V.

: AT DANBURY

**TOWN OF BETHEL BOARD OF EDUCATION
AND THE TOWN OF BETHEL**

: APRIL 21, 2020

COMPLAINT/PETITION FOR PRE SUIT/BILL OF DISCOVERY

Pursuant to §52-156 et seq. of the Connecticut General Statutes and §13-2 of the Connecticut Practice Book and the equitable powers of this Court, the petitioner, Marcia Robinson, Administratrix of the Estate of Manuela Maria Macedo Silveira by and through counsel, hereby presents this petition for pre suit discovery in accordance with its prayers for relief and respectfully requests that the Court grant said petition for the following reasons:

1. The undersigned represents Marcia Robinson, who was appointed Administratrix of the Estate of Manuela Maria Macedo Silveira, deceased, by the Northern Fairfield County Probate Court, CT on December 10, 2019.
2. Upon information and belief, the Town of Bethel is a municipality established pursuant to the laws of the State of Connecticut and is responsible for providing public education to residents of the Town of Bethel, and through the Town of Bethel Board of Education, for maintaining control of all of the public schools in the Town of Bethel.

3. The Town of Bethel Board of Education is established pursuant to the laws of the State of Connecticut and serves as the agent of the Town of Bethel to maintain control of all of the public schools in the Town of Bethel.
4. That on or about December 19, 2019, the petitioner filed Notice of Intent to Sue to Town of Bethel, Board of Education and Town of Bethel, respectively, pursuant to Connecticut General Statute § 7-465.
5. Upon information and belief, from on or about September of 2015 through on or about July 6, 2019, Manuela Maria Macedo Silveira, was a student at R.M.T. Johnson Elementary School and Bethel Middle School, respectively; both schools in the Bethel public school system, and came under the care and treatment of R.M.T. Johnson Elementary School and Bethel Middle School's agents, servants, and/or employees, including, but not limited to, its schools' counselors, psychiatrists, social workers, human resource officers, psychologists, and/or therapists for treatment of the minor-plaintiff decedent's mental health.
6. Upon information and belief, on or about July 6, 2019, Manuela Maria Macedo Silveira, died by means of suicide at her home of 86A Wooster Street, Bethel, Connecticut 06801.
7. Upon information and belief, Manuela Maria Macedo Silveira's injuries may be caused by the negligence of, including, but not limited to: the Town of Bethel; the Town of Bethel Board of Education; R.M.T. Johnson Elementary School, and/or

Bethel Middle School's agents, servants, and/or employees, including, but not limited to, its schools' counselors, psychiatrists, social workers, human resource officers, psychologists, and/or therapists.

8. Upon information and belief, R.M.T. Johnson Elementary School and Bethel Middle School have school files, including, but not limited to, psychiatry records, counseling records, social worker records, safety officer records, guidance counselor records, human services, psychology and/or mental health records, pertaining to Manuela Maria Macedo Silveira from on or about September of 2015 through on or about July 6, 2019
9. On or about January 7, 2020, the petitioner requested a copy of her daughter's (Manuela Maria Macedo Silveira) complete school records from R.M.T. Johnson Elementary School and Bethel Middle School, with the appropriate HIPAA authorization and probate documentation (hereinafter referred to as "records"), to evaluate whether R.M.T. Johnson Elementary School and Bethel Middle School, were negligent in the care and treatment rendered to Manuela Maria Macedo Silveira from on or about September of 2015 through on or about July 6, 2019. The request was for Ms. Silveira's "complete record / school file" with R.M.T. Johnson Elementary School and Bethel Middle School, respectively.
10. On or about January 21, 2020, the petitioner received from R.M.T. Johnson Elementary School and Bethel Middle School records pertaining to Manuela Maria

Macedo Silveira. The records received from R.M.T. Johnson Elementary School and Bethel Middle School were not complete in that the following records were missing including, but not limited to, psychiatry records, counseling records, social worker records, safety officer records, guidance counselor records, human services, psychology and/or mental health records pertaining to Manuela Maria Macedo Silveira from September of 2015 through on or about July 6, 2019.

11. On January 22, 2020, the petitioner called the office of the Superintendent of Schools of R.M.T. Elementary School and Bethel Middle School and informed their office that petitioner was missing said records including, but not limited to, psychiatry records, counseling records, social worker records, safety officer records, guidance counselor records, human services, psychology and/or mental health records from R.M.T. Johnson Elementary School and Bethel Middle School pertaining to Manuela Maria Macedo Silveira from September of 2015 through on or about July 6, 2019. Our office requested that R.M.T. Johnson Elementary School and Bethel Middle School forward said records to petitioner for Manuela Maria Macedo Silveira from September of 2015 through on or about July 6, 2019. The office of the Superintendent of Schools of R.M.T. Johnson Elementary School and Bethel Middle School advised that "they would look into it and will contact us."

12. On or about January 23, 2020, the office of the Superintendent of Schools of R.M.T. Johnson Elementary School and Bethel Middle School called the petitioner's office and advised that R.M.T. Johnson Elementary School and Bethel Middle School has provided Manuela Maria Macedo Silveira's complete school records from September of 2015 through on or about July 6, 2019 to petitioner's office. They further advised petitioner's office that they do not have records including, but not limited to, psychiatry records, counseling records, social worker records, safety officer records, guidance counselor records, human services, psychology and/or mental health records pertaining to Manuela Maria Macedo Silveira's from September of 2015 through on or about July 6, 2019
13. Upon information and belief, petitioner has a good faith belief that R.M.T. Johnson Elementary School and Bethel Middle School have records including, but not limited to, psychiatry records, counseling records, social worker records, safety officer records, guidance counselor records, human services, psychology and/or mental health records for Manuela Maria Macedo Silveira from September of 2015 through on or about July 6, 2019.
14. The petitioner has no other adequate remedy of law to obtain the information requested.

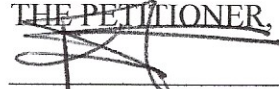
WHEREFORE, for the foregoing reasons, the petitioner, Marcia Robinson, Administratrix of the Estate of Manuela Maria Macedo Silveira, through counsel, respectfully requests this court to issue an order permitting the undersigned to:

1. Depose the keeper of the records for R.M.T. Johnson Elementary School and compel said deponent to bring a complete certified copy of the entire school record, including, but not limited to, any and all psychiatry records, counseling records, social worker records, safety officer records, guidance counselor records, human services, psychology and/or mental health records of any kind, pertaining to Manuela Maria Macedo Silveira from September of 2015 though on or about July 6, 2019.
2. Depose the keeper of the records for Bethel Middle School and compel said deponent to bring a complete certified copy of the entire school record, including, but not limited to, any and all psychiatry records, counseling records, social worker records, safety officer records, guidance counselor records, human services, psychology and/or mental health records of any kind, pertaining to Manuela Maria Macedo Silveira from September of 2015 though on or about July 6, 2019.

BERKOWITZ AND HANNA LLC
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BY

~~THE PETITIONER,~~



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MAY 26, 2020

RETURN DATE: ~~APRIL 28, 2020~~ : SUPERIOR COURT

MARCIA ROBINSON, ADMINISTRATRIX
OF THE ESTATE OF MANUELA MARIA
MACEDO SILVEIRA : J.D. OF DANBURY

V. : AT DANBURY

TOWN OF BETHEL
BETHEL BOARD OF EDUCATION AND THE
TOWN OF BETHEL : MARCH 23, 2020

I, Marcia Robinson, Administratrix of the Estate of Manuela Maria Macedo Silveira, verify that I have read the foregoing Petition and that the facts set forth in the Petition are true and correct based upon our knowledge, information and belief.

Marcia Robinson
Marcia Robinson, Administratrix of the Estate of Manuela Maria Macedo Silveira

State of Connecticut :
: ss. Shelton
County of Fairfield :

On this the 21 day of March, 2020, before me, the undersigned officer, personally appeared Marcia Robinson, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument and acknowledged that he/she executed the same for the purposes therein contained.

In Witness Whereof, I hereunto set my hand and official seal.

State of Florida County of Volusia
On 3-21-2020
Before me : Mohammed Kiswani
Personally Appeared Marcia Robinson
Proved on the basis of satisfactory evidence to be the person(s)
whose name is subscribed to the instrument and acknowledged he
executed the same. Witness my hand and official seal

Notary signature
[Signature]

